

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HARDEEP LUTHRA, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 21-cv-00402-KAW

SECOND ORDER TO SHOW CAUSE

Re: Dkt. No. 5

On January 21, 2021, Defendant filed a motion to dismiss. (Dkt. No. 5.) Pursuant to Civil Local Rule 7-3(a), Plaintiffs' opposition was due 14 days after the motion was filed, which was February 4, 2021.

Plaintiffs did not file an opposition. On February 5, 2021, the Court issued an order to show cause, requiring Plaintiffs to: (1) file a consent or declination notice, (2) file an opposition or statement of non-opposition to the pending motion, and (3) file a response to this order to show cause explaining why the opposition was not timely filed. (Dkt. No. 9 at 1.) Plaintiffs' response was due by February 16, 2021.

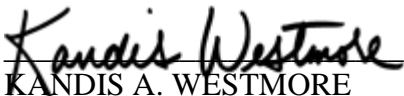
As of the date of this order, Plaintiffs have not responded to the order to show cause. Accordingly, the Court ORDERS Plaintiffs to show cause, within **one week** of the date of this order, why this case should not be dismissed for failure to prosecute by: (1) filing a consent or declination notice, (2) filing an opposition or statement of non-opposition to the pending motion, and (3) explaining why Plaintiffs failed to timely file their opposition and response to the Court's February 5, 2021 order to show cause. Should an opposition be filed, Defendant may file a reply within **one week** of the date of Plaintiffs' opposition. Failure to respond **will** result in the Court reassigning this case to a district judge with the recommendation that the case be dismissed for

1 failure to prosecute.

2 Additionally, having reviewed Defendant's motion to dismiss, the Court ORDERS
3 Defendant to show cause why its motion to dismiss should be granted in light of *D.L. v. Vassilev*,
4 858 F.3d 1242 (9th Cir. 2017) and *Staple v. United States*, 740 F.2d 768 (9th Cir. 1984).
5 Defendant's response is due within **one week** of the date of this order.

6 IT IS SO ORDERED.

7 Dated: February 19, 2021

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KANDIS A. WESTMORE
9 United States Magistrate Judge
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Northern District of California